

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LG. PHILIPS LCD CO., LTD.,	)	
	)	
Plaintiff,	)	C.A. No. 05-292 (JJF)
	)	
v.	)	
	)	REDACTED - PUBLIC VERSION
TATUNG COMPANY;	)	
TATUNG COMPANY OF AMERICA, INC.;	)	
CHUNGHWA PICTURE TUBES, LTD.;	)	
AND VIEWSONIC CORPORATION,	)	
	)	
Defendants.	)	

**REPLY TO PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION *IN LIMINE* NO. 4**

Defendants' Motion *in Limine* No. 4 ("MIL No. 4"), seeking exclusion of references to the relative value of patents sold by Honeywell to Plaintiff LG.Philips LCD Co., Ltd. ("LPL"), is proper and should be granted.

REDACTED

A motion *in limine* may be proper to limit a damages award. *See Ware v. Rodale Press, Inc.*, 322 F.3d 218 (3d Cir. 2003); *Kassim v. City of Schenectady*, 415 F.3d 246, 250 (2nd Cir. 2005). Here, Defendants move to exclude any reference to the relative value of the '002 patent, or to any of the other seven patents sold by Honeywell to LPL, because, even now, on the eve of trial, LPL cannot offer competent evidence of the value of the '002 patent relative to any of the other seven patents in the Honeywell package.

LPL implicitly concedes, as it must, that the purchase price of the '002 patent cannot be used to prove its value and represents that it will not attempt to do so at trial. *See* Plaintiff's opposition to MIL No. 4 ('Opposition")Opposition at 2. However, elsewhere in the Opposition, LPL does make references to the value of the '002 patent relative to the other patents sold in the Honeywell package.

LPL purchased the '002 Patent recognizing the significance of the patent. Indeed, the '002 patent was the most important one of the seven patents purchased from Honeywell. The head of LPL's Intellectual Property Center testified that this patent is a foundational patent.

Opposition at 3.

In light of this argument, Defendants remain concerned that LPL will, given the opportunity, attempt to use conjecture regarding the relative value of the '002 patent at trial. LPL does not submit any viable objection to Motion *In Limine* No. 4. Instead, LPL represents that it will offer evidence of yield rate to establish the value of the '002 patent, effectively side-stepping MIL No. 4. Opposition at 2-3. LPL's evidence of this purported yield rate is unsubstantiated and should also be excluded. *See* Defendants' Motion *In Limine* Re Report of Cobb and Associates, Ltd. Filed July 5, 2006.

REDACTED

the Court should preclude LPL from making any reference to the value of the '002 patent, or any other patent, relative to the other patents sold in the Honeywell package.

Of Counsel:

Christine A. Dudzik

Thomas W. Jenkins

Howrey LLP

321 North Clark Street, Suite 3400

Chicago, IL 60610

(312) 595-1239

Julie S. Gabler

Howrey LLP

550 South Hope Street, Suite 1100

Los Angeles, CA 90071

(213) 892-1800

Teresa M. Corbin

Glenn W. Rhodes

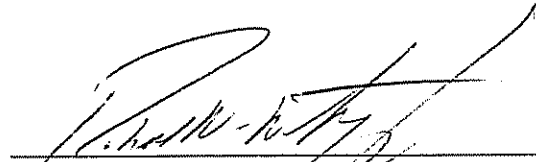
Howrey LLP

525 Market Street, Suite 3600

San Francisco, CA 94105

(415) 848-4900

Dated: July 5, 2006



Robert W. Whetzel (#2288)

whetzel@rlf.com

Steven J. Fineman (#4025)

fineman@rlf.com

Matthew W. King (#4566)

king@rlf.com

Richards, Layton & Finger

One Rodney Square, P.O. Box 551

Wilmington, DE 19899

(302) 651-7700

Attorneys for Defendants/Counterclaimants

Tatung Company, Tatung Company of

America, Chunghwa Picture Tubes, Ltd. and

ViewSonic Corporation

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

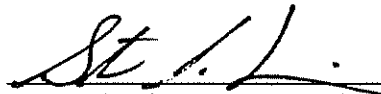
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 6, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered to the following:

Richard D. Kirk  
The Bayard Firm  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899

I hereby certify that on July 6, 2006, I sent the foregoing document by Electronic Mail, to the following non-registered participants:

Gaspare J. Bono  
Matthew T. Bailey  
Andrew J. Park  
Adrian Mollo  
McKenna Long & Aldridge LLP  
1900 K Street, NW  
Washington, DC 20006

  
Steven J. Fineman (#4025)  
fineman@rlf.com  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

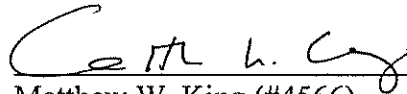
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 11, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered to the following:

Richard D. Kirk  
The Bayard Firm  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899

I hereby certify that on July 11, 2006, I sent the foregoing document by Federal Express, to the following non-registered participants:

Gaspare J. Bono  
Matthew T. Bailey  
Andrew J. Park  
Adrian Mollo  
McKenna Long & Aldridge LLP  
1900 K Street, NW  
Washington, DC 20006

  
Matthew W. King (#4566)  
king@rlf.com  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899